

Yossel Lichtman

stipulate on the record that it is the EEdge entity, which whose name we already provided and who was the subject of your motion to amendment.

Q. When did EEdge first become responsible for managing the building?

A. I don't have the dates. But probably five or six years ago.

Q. And just to clarify, that is five or six years from now or is that five or six years from the time that they stopped managing the building a couple of years ago?

A. I think for now.

Q. Who managed the building in the year 2018?

A. Edge.

Q. Who managed the building in the year 2017?

A. Edge.

Q. Who managed the building in 2016?

A. I believe Edge, but I'm not sure.

Q. Did Edge manage the building all the way through the calendar year 2018?

A. I believe so. Yes.

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Q. So if Rogers Management took over a couple years ago, does that mean that they took over management in the year 2019?

A. I'm not sure if it's '19 or '20.

Q. Do you remember whether the change in management companies came before the beginning of the Covid-19 pandemic?

A. I guess it was before.

Q. How did Edge become the manager of the building?

A. When you say how, what do you mean by how?

Q. Were they hired?

A. They were hired. Yes.

Q. Who hired them?

A. I did.

Q. Did they work for you personally or for4 East 22nd?

A. For east 22.

Q. What did you hire them to do?

A. Full management.

Q. What does that consist of?

A. All day-to-day operations.

Q. What operation are included in all

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2 day-to-day operations?

3 A. They are collecting the rent and paying
4 all the expenses, et cetera.

5 Q. Let's expand on that "et cetera."

6 I am going to go down a list of some
7 examples, and you can tell me whether or not they
8 were hired to do the things?

9 A. Okay.

10 Q. Did they send rent statements or rent
11 bills to tenants?

12 A. I believe, yes.

13 Q. Did they keep track of rents received
14 from tenants?

15 A. Yes.

16 Q. Did they determine how much rent should
17 be charged to tenants?

18 A. Yes.

19 MR. MEDINETTS: Could you clarify what
20 you mean by that, Michael?

21 Q. When a tenant starts a tenancy, there is
22 an agreement as to the rent to be paid, who
23 determines how much rent should be charged?

24 A. I would say it was the HCR.

25 Q. Who determines who is responsible for

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2 telling the tenants what to pay, how much rent to
3 pay?

4 A. Edge.

5 Q. Who executed, for all these questions,
6 I'm talking about the period during which Edge was
7 the manager. Who executed leases?

8 A. Edge.

9 Q. Who wrote up the leases?

10 A. Edge.

11 Q. That included filling in the amount of
12 rent that the tenants should pay?

13 A. Edge.

14 Q. Who was responsible for maintenance and
15 repairs in the building?

16 A. Edge.

17 Q. Who was responsible for hiring the
18 building staff, such as, just a listed example,
19 it's not a complete list, if you see what I mean,
20 people such as a superintendent or a porter?

21 A. Edge.

22 Q. Who was responsible for hiring
23 contractors for the building?

24 A. Edge.

25 Q. Who was responsible for determining when

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repairs and maintenance needed to be done?

A. Edge.

Q. Who kept the books for East 22nd, the LLC?

A. Edge.

Q. Edge kept the books for the LLC?

A. Yes.

Q. If a tenant owed rent, who made the decision about whether or not to bring a legal action against the tenant?

A. Edge.

Q. When you hired Edge, how did you set out what their responsibilities would be.

Was that in writing, or was that orally, or was that in an email or on paper?

A. Orally.

Q. Was there ever a contract between East 22nd and Edge?

A. I don't think so. No.

Q. Was Edge paid to manage the building?

A. Yes.

Q. Paid by whom?

A. By East 22nd.

Q. How much were they paid?

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A. I don't remember the exact number, but approximately 1,000 per month.

Q. Were the payments made monthly?

A. Yes.

Q. How were those payments made.

Were they made, for example, by check, or direct deposit, or cash?

A. Probably by check.

Q. Who signed that check?

A. They signed it.

Q. Say that again.

A. They did.

Q. Edge.

A. Edge, they made their own checks, they signed it.

Q. I'm talking about the checks that were made out by which East 22 paid Edge?

A. Edge was the one responsible for paying bills, so they paid their own checks to themselves. On East 22nd.

Q. How did Edge know what responsibilities they were supposed to perform for the building?

A. Could you define the question?

Q. Who told Edge what their job would be?

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2 A. They were a company doing the
3 management. They knew what management did, how to
4 manage the properties.

5 Q. How did East 22nd tell Edge what to do?

6 A. We told them everything related to
7 management.

8 Q. Was there any communication about what
9 that included and what that didn't include?

10 A. I don't remember. But I know they had
11 responsibilities of -- there was --

12 Could you repeat the question?

13 Q. Sure. And I will try to clarify it as I
14 go.

15 East 22 hired Edge to manage the building,
16 correct?

17 A. Yes.

18 Q. There are many aspects of managing the
19 building, correct? We went over a number of them.

20 A. Yes.

21 Q. How did East 22nd communicate to Edge
22 which of those things they should do?

23 A. I told them that everything related to
24 management.

25 Q. What else did you tell them about what

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2 that might include, the everything related to
3 management?

4 A. I don't remember.

5 Q. How did you first come to know of Edge?

6 A. Sorry.

7 Q. Do you want me to repeat the question?

8 A. No. I heard.

9 I knew the person that was doing this
10 management from a different company.

11 Q. Do you mean that you heard about them
12 from somebody that worked for a different
13 management company?

14 A. The lady that was in Edge, Hannah
15 Waldman (phonetic), she was working before at a
16 different management company.

17 Q. Do you remember what management company
18 that was?

19 A. Coney Management.

20 Q. Were there any decisions in the
21 management of the building for which Edge was
22 supposed to consult with you or with anyone at
23 East 22nd?

24 A. No.

25 Q. Was there any limit to the amount of

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2 money they could spend before they checked with
3 you for East 22?

4 A. It was not specified. No.

5 Q. Were there any decisions that the Edge
6 did consult with you or anyone at East 22nd about?

7 A. They did at times.

8 Q. What decisions were those?

9 A. How much to spend. Sorry.

10 How much to spend on repairs, and if they
11 had questions about a tenant, they access. They
12 asked me if I knew something.

13 Q. That last piece, you said, access.

14 What do you mean by access?

15 A. Sometimes you need access, they asked me
16 if I heard about the tenant or, you knew how to
17 get to the tenant or any issues that came up, they
18 consulted with me at times.

19 Q. When you say access, do you mean access
20 to a tenant's apartment?

21 A. Yes. And performing repairs.

22 Q. And you said they would ask you whether
23 you knew something about how to communicate with
24 that tenant?

25 A. Or if it the tenants needed some

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repairs, since the building was newly renovated building, they would ask me what I know about those repairs.

Q. You said they would ask you whether you knew anything about the best way to get through to a tenant?

A. Also.

Q. Also?

A. Yes.

Q. Did you know the tenants personally?

A. I did know them because I was involved in the construction of the building renovations.

So I did know the tenants at some point.

Q. Did you know Tammy Brake personally?

A. No. I don't know her personally.

Q. Have you met Tammy Brake face-to-face?

A. I believe once maybe.

Q. Have you spoken with her on the phone?

A. I don't remember. Actually, possibly eight to ten years ago, and not in the last few years.

MR. MEDINETTS: Can you read that answer back?

(Requested answer was read back.)

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BY MR. GRINTHAL:

Q. Have you communicated with Tammy Brake
by email?

A. I don't think so.

Q. Have you communicated with Tammy Brake
by text?

A. I don't think so, but for sure in the
last few years, though. But it could be during
the renovations, but I don't think I did since.

Q. About how often would you say Edge
consulted with East 22nd in making decisions?

MR. MEDINETS: You mean with
Mr. Lichtman or the LLC?

Obviously there has to be a person
behind the LLC.

Q. Good point. I will ask this question
first.

When Edge communicated, when Edge
consulted with East 22nd, who would they consult
with, what person?

A. They would contact me.

Q. Did they ever contact Cheskel Lichtman?

A. No.

Q. Did they ever contact Sarah Lichtman?

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A. No.

Q. How often would they consult you with decisions about the management?

A. When they had a question.

Q. Would you say that that was more often or less often than once a month?

A. Probably approximately like once a month.

Q. Was there ever a time when you told the Edge not to do something?

A. Probably.

Q. Was there ever a time when you the Edge asked your permission to do something and you denied that permission?

A. I don't remember, but probably.

Q. When the Edge consulted with you, did they do that by phone, by email, or by letter, or by face-to face-email?

A. Email.

Q. What email address did they communicate with you through?

A. JSLichtman@gmail.

Q. Gmail. And that is JSL with no other spaces?

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A. No.

Q. No underscores, no hyphens, no periods?

A. No.

MR. MEDINETS: Mr. Lichtman, just to ensure consistency and readability of the transcript, please make sure and wait for Mr. Grinthal finishes his sentence before you start speaking, just so the answers don't overlap with the questions.

A. Okay.

Q. The names of the people that you know that worked for Edge, the names of the people?

A. Hannah Waldman. Mayer Waldman. And there was a girl also. And I don't remember her name.

Q. Did Hannah Waldman work for Edge during the whole time that Edge worked for East 22nd?

A. Yes.

Q. Did Mayer Waldman work for Edge for the whole time that Edge worked for East 22nd?

A. Not sure.

Q. Who did you directly deal with?

A. Hannah Waldman.

Q. Did you deal with Mayer Waldman at all?

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A. Not really.

Q. Say that again.

A. Almost never.

Q. Have you met Mayer Waldman?

A. Yes.

Q. Have you had communications with him?

A. Yes.

Q. What is Hannah Waldman's role at Edge,
as far as you know?

A. I am not sure, but I guess she was one
of the owners or members.

Q. Did she ever describe to you her role?

A. No.

Q. Did she ever identify herself to you,
for example, I am the, insert title, at Edge?

A. No.

Q. Did you ever receive documents from her
that had her letterhead?

A. No.

Q. Did you ever receive documents that had
Edge's letterhead?

A. Yes.

Q. Did that letterhead list any of the
employees of Edge on it?

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A. No.

Q. When Hannah Waldman would send you an email, did it have a signature block?

A. I don't think so, but I can check. I don't remember.

Q. How often did you email with Hannah Waldman?

A. I am not sure how often it was.

Q. You testified previously that Edge consulted with you personally about once a month.

Were those consultations always with Hannah Waldman?

A. Yes.

Q. Were those consultations always by email?

A. Yes.

Q. Were there ever consultations by phone?

A. Rarely.

Q. Not really?

A. I said rarely.

Q. Rarely, but sometimes it did happen?

A. Yes.

Q. So putting those pieces together, is it accurate to say that you and Hannah Waldman

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2 communicated by email about once a month?

3 A. Yes.

4 Q. And were there months where it might
5 have been more often than that?

6 A. Yes.

7 Q. Were there months where it might have
8 been less often than that?

9 A. Yes.

10 Q. I am going to go back. I'm sorry.

11 I don't think I asked you to spell Chana
12 Waldman's name. I am sorry if I'm asking you to
13 repeat yourself, but could you spell that name?

14 A. C-h-a-n-a, and the last name is
15 W-a-l-d-m-a-n.

16 Q. Hannah Waldman, do you know if she ever
17 used any other version of her first name or
18 nickname?

19 A. No.

20 Q. No, you are not sure, or no, she didn't?

21 A. I believe she didn't.

22 Q. Did you ever see her use the spelling of
23 her name, C-h-a-n-i-e?

24 A. I didn't pay attention to how she
25 spelled it.

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Q. Do you know whether there was a relationship between Hannah Waldman and Mayer Waldman other than that they worked for the same business?

A. Yes. That is her spouse.

Q. They are spouses. They are married. Do you have any relationship with Hannah Waldman other than the business relationship between Edge and East 22nd?

MR. MEDINETS: A familial relationship?

Q. I'll ask a different question.

Do you have a familial relationship with Hannah Waldman?

A. No.

Q. Do you have a social relationship with Hannah Waldman.

A. No.

Q. Do you have a familial relationship with Mayer Waldman?

A. No.

Q. Do you have a social relationship with Mayer Waldman?

A. No.

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2 Q. Do you know whether Cheskel has a social
3 relationship with either Chana or Mayer Waldman?

4 A. No.

5 Q. Was that no, you don't know, or no,
6 there is no such relationship?

7 A. No, there is not.

8 Q. I will ask my question more clearly.

9 To the best of your knowledge, does Sarah
10 Lichtman have a social relationship with Mayer or
11 Hannah Waldman?

12 A. No.

13 MR. GRINTHAL: I have a few more
14 questions, and my hope is that we can take a
15 break at 12.

16 Does that makes sense for others?

17 MR. MEDINETS: Sounds good to me.

18 MR. GRINTHAL: Okay.

19 MR. MEDINET: And my questions may go
20 a little past 12, but I will aim for 12.
21 And then we will come back, and after that
22 break, it will be Matt Schedler who is
23 asking the questions and I will take a step
24 back.

25 Mr. Lichtman, there will never be more

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than one person from my side asking you questions, but the person asking you questions will change after the break.

MR. MEDINETS: Off the record.

(Discussion held off the record.)

MR. GRINTHAL: Back on.

Q. I will ask you some questions that dive some more into the responsibilities of Edge.

If a tenant at 596 East 22nd owed rent, who decided, again, these questions are all for the period where Edge was.

Who decided whether or not to bring a legal action against that tenants?

A. Edge.

Q. What criteria did they use to decide when rent or arrears rise to the level of when a legal action should be taken?

A. I don't know.

Q. Did you tell them any criteria they should use?

A. No.

Q. Did you communicate with them in any way about how they should make decisions to bring legal action?

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A. No.

Q. When it is decided to bring a legal action against the tenant, the first step is to send a written rent demand, or five or three-day notice or other names for that document, who decided when to send that document to the tenant?

MR. MEDINETS: As a general matter?

Q. As a general matter?

A. Edge.

Q. Did they consult with you before making that decision?

A. At times.

Q. Did they inform you that they had made that decision, even if was not to consult or ask, just to inform?

A. At times.

Q. Did they consult with you before they served the notice on Tammy Brake in January of 2018?

A. I believe they did.

Q. Did they consult with you or simply notify you?

A. I believe they notified.

Q. Were there ever times when you disagreed

1 Yossel Lichtman
2 with Edge about whether or not to commence a legal
3 action?

4 A. Yes. Or recommended.

5 Q. Does that mean that sometimes you would
6 recommend to Edge that they take a legal action?

7 A. That they shouldn't take it.

8 Q. Was there ever a time that you reached
9 out to them proactively to say, you should take a
10 legal action against this tenant when they had not
11 consulted with you for this purpose?

12 A. I don't think so. No.

13 Q. About how many times would you say that
14 you told the Edge not to commence a legal action
15 that they were considering?

16 A. Rarely.

17 Q. Rarely? To put a range on rarely, would
18 you say less than three times?

19 A. Probably.

20 Q. When you told them not to commence a
21 legal action, what were your reasons for telling
22 them not to commence a legal action?

23 A. Either I know the tenant contacted me
24 saying that they are going to make a payment or
25 that is the only case why I would recommend not